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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/700,383
Filing Date	November 14, 2000
First Named Inventor	Staring, Antonius A. M.
Art Unit	2131
Examiner Name	B. W. Dada
Attorney Docket Number	93418.000003P
Confirmation Number:	

ENCLOSURES (check all that apply)

☒ Fee Transmittal	☐ Drawing(s)	☐ After Allowance communication to Group
☐ Fee Attached	☐ Licensing-related Papers	☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment/Reply	☐ Petition	☒ Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
☐ After Final	☐ Petition to Convert to a Provisional Application	☐ Proprietary Information
☐ Affidavit/declaration(s)	☐ Power of Attorney, Revocation Change of Correspondence Address	☐ Status Letter
☐ Extension of Time Request	☐ Terminal Disclaimer	☒ Acknowledgement Postcard
☐ Express Abandonment Request	☐ Request for Refund	☐ Other Enclosure(s) (please identify below):
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☐ Certified Copy of Priority Document(s)	Remarks	
☐ Response to Missing Parts/ Incomplete Application		
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael J. Didas, 55,112, HARTER, SECREST & EMERY LLP
Signature	
Date	June 26, 2006

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FEE TRANSMITTAL For FY 2006

Complete if Known	
Application Number	09/700,383
Filing Date	November 14, 2000
First Named Inventor	Staring, Antonius A. M.
Examiner Name	B. W. Dada
Art Unit	2135
Attorney Docket No.	93418.000003P

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT $500.00

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Application Type	**Fee ($)**	**Small Entity Fee ($)**	**Fee ($)**	**Small Entity Fee ($)**	**Fee ($)**	**Small Entity Fee ($)**	**Fees Paid ($)**
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	**Fee ($)**	**Small Entity Fee ($)**
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	**Extra Claims**	**Fee ($)**	**Fee Paid ($)**
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Indep. Claims	**Extra Claims**	**Fee ($)**	**Fee Paid ($)**
HP = highest number of independent claims paid for, if greater than 3			

Multiple Dependent Claims	
Fee ($)	**Fee Paid ($)**

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If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	**Extra Sheets**	**Number of each additional 50 or fraction thereof**	**Fee ($)**	**Fee Paid ($)**
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4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Appeal Brief	$500.00

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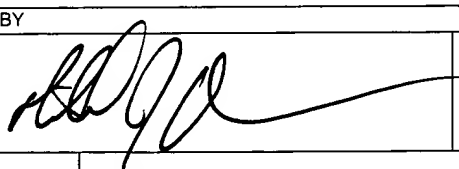
Signature		Registration No. 55,112	Telephone 585-231-1411
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Staring, Antonius A.M., et al.

US Application No. 09/700,383 | Examiner: B.W. Dada

Confirmation No. 3621

Filed: November 14, 2000 | Group Art Unit: 2135

Attorney Docket No. 93418.000003

For: A METHOD AND SYSTEM FOR PROVIDING COPY-PROTECTION ON A STORAGE MEDIUM AND STORAGE MEDIUM FOR USE IN SUCH A SYSTEM

June 26, 2006 (Monday)

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APPELLANTS' BRIEF ON APPEAL

Appellants hereby appeal the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims as set forth in the Office Action mailed January 25, 2006.

A timely Notice of Appeal was filed April 25, 2006.

Real Party-in-Interest

UQE, LLC is the real party-in-interest in this proceeding.

Related Appeals and Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

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Status of the Claims

Claims 1 through 11 are pending in the application. All of the claims have been finally rejected, and are being appealed herein. Appendix 1 provides a clean, double-spaced copy of the claims on appeal.

Status of Amendments

No amendments were filed in this application subsequent to the final rejection.

Summary of Claimed Subject Matter

The invention relates generally to a method and system providing copy-protection on a storage medium and a storage medium for use in such a system.

According to one particular aspect of the invention, independent Claim 1 recites a method for providing copy-protection services on a data storage medium. The stored data is arranged in sectors, a tagging part being associated with each sector. (Page 5, lines 3-13.) The tagging part of the sector comprises a field (S4T) that stores a value R_i which is randomly changed with each write access to the sector. (Page 5, lines 3-28; page 6, lines 15-18; Fig. 5.) The field is read-only for external access (page 5, lines 9-13) and the stored data is stored in encrypted form on the data storage medium with an encryption key that is at least in part derived from values of at least some of the fields (S4T). (Page 6, lines 7-14.)

In another aspect of the invention, dependent Claim 3 recites a method as claimed in Claim 1, wherein the encryption key is derived from values of the S4T fields associated with sectors in which rights and/or usage information is stored. (Page 6, lines 7-14.)

Grounds of Rejection to be Reviewed on Appeal

1. Claims 1 through 11 stand rejected under 35 U.S.C. §103(a) as unpatentable over United States Patent No. 6,535,858 B1 (Blaukovitsch) in view of United States Patent No. 6,128,260 (Tanoue).

Argument

The present invention relates to a method and system for providing copy protection on a storage medium and a storage medium for use in such a system. The present invention is particularly concerned with providing measures against unauthorized copying of information digitally stored on removable random access memory modules, for example, CDs.

In conventional methods, data, for instance audio tracks, may be encrypted using a property of the storage media that is unique for each storage medium and which cannot be changed. For example, one could encrypt audio data using a key derived from a module ID which cannot be modified by a user. Alternatively, a fingerprint of each storage medium may be obtained from the location of defective blocks on the medium, which subsequently can be used as the module ID. In both of these instances, the key is specific to the storage medium, and thus a copy of the content on other storage medium cannot be decrypted.

Such conventional systems also generally employ usage rights, which limit usage of music tracks purchased on the Internet, downloaded to a PC or the like, and stored on a data storage medium. For example, usage rights may allow a song contained on an optical disk to be copied and/or played three times, but copying and/or playing the song for a fourth time is prohibited. The usage rights preferably also are stored on the medium, so as to travel with the music tracks.

A "replay attack" has become a conventional way to circumvent the above-described security features. In a replay attack, content and associated usage rights contained on a storage

medium are copied onto another memory, e.g., a disk drive. The copy cannot be played when contained on the disk drive, because the key that is unique to the medium is only usable by that medium. However, when the usage right has been exhausted on the medium, i.e., the song has been played the allotted number of times, the copy stored on the disk drive may be recopied to the original medium. The original information, including the original usage right, is thus restored on the original medium, allowing again for playing the songs the allotted number of times. The original information may be restored on the medium in this manner an infinite number of times.

The claimed invention provides, *inter alia*, an improved copy protection method and system that is useful in prohibiting unauthorized uses of information stored on recording media, including replay attacks.

Generally speaking, the present invention relates to apparatuses and methods for providing copy protection services on a storage medium, for example, a solid-state memory module. The data on the storage medium is arranged in sectors, each sector having a field (S4T) associated therewith, named the "Secure Solid State Sector Tag." The field (S4T) stores a random number Ri which is randomly changed (renewed) on each write operation to that sector by some preferably dedicated logic (e.g., on-chip logic), and cannot be modified. Data is encrypted on the storage medium using a key which depends critically on the random numbers R_i's. In this manner, bit-by-bit copies and recopies from an intermediate storage medium cannot be decrypted because the values of the random numbers will have changed, thus preventing unauthorized duplication and replay attacks. Ruther, the random numbers cannot be modified deterministically be devices employing the module.

GROUND OF REJECTION

Independent Claim 1, dependent Claims 2, 5-11

The invention of claim 1 remedies the deficiencies of the prior art by, among other features, randomly changing with each write access to a sector, a value R_i stored by a field (S4T) contained on a tagging part of the sector. The field is read-only for external access, and the stored data is stored in encrypted form on the data storage medium with an encryption key that is at least in part derived from values of at least some of the fields (S4T).

Regarding the rejection of Claim 1, the Examiner has taken the position that Blaukovitsch teaches, at column 1, lines 7-11, a method for providing copy protection services on a data storage medium and, at column 1, lines 17-24, that the stored data is arranged in sectors. The Examiner also indicates that a subcode Q field, as shown in figure 5 and discussed at column 2, lines 20-39, of Blaukovitsch, teaches that the tagging part of a sector comprises a field (S4T). In addition, the Examiner indicates that column 3, lines 25-36, and column 4, lines 1-9 and 31-40, teach that stored data is stored in encrypted form on the data storage medium with an encryption key that is at least in part derived from values of at least some of the fields. Finally, the Examiner indicates that "Blaukovitsch teaches subcode q field values are normally not copied from one disk to another, but are newly generated during a copy process [column 5, lines 3-8]." The Examiner indicates, however, that Blaukovitsch does not explicitly teach storing a value R in the field which is randomly changed with each write access to the sector.

Instead, the Examiner indicates that Tanoue, at column 2, lines 29-54, teaches an information recording medium, where information is recorded in units of sectors, each sector having multiple fields including a field for storing a random value, for randomizing sector locations within the storage medium during a block write. According to the Examiner, "it would

have been obvious to one having ordinary skill in the art at the time the invention was made to store random value R in the field, which is randomly changed with each write access as per teachings of Tanoue and employ it within Blaukovitsch copy/protection system in order to prevent interference between successive sectors by randomizing sectors in the storage medium." (01/25/2006 Office Action, Page 3.)

Blaukovitsch teaches an optical disk copy management system, in which a CD-ROM data sector includes 2,352 bytes carried in 98 frames, with each frame including 24 bytes of the data sector. (Col. 2, lines 20-22.) Each frame comprises, inter alia, 1 byte subcode data, which subcode data is divided into eight subcode channels including subcodes P, Q, R, S, T, U, V, and W. (Col. 2, lines 24-27.) Each subcode channel consists of 98 bits including two synchronization bits and 96 data bits. (Col. 2, lines 26-27.) More particularly, the subcode Q channel includes 98 bits representing such information as an address field, a track number, and a running time of each track.

In the preferred embodiment of Blaukovitsch, a fingerprint or key of the compact disc is incorporated by implementing a certain amount of subcode q field modifications (or defects) throughout the program area of the disc. (Col. 4, lines 23-26.) These field modifications result in invalid fields, and can serve as a unique identifier of the disk itself. Copy protection keys are made using the field modification, and are used to encrypt information to be stored on the disc. (Col. 7, lines 5-8.) An extraction and decryption program is then appended to the encrypted data (Col. 7, lines 8-10.) Using the extraction and decryption program, a disk-accessing device, for example, a CD-ROM reader, searches the CD and checks the validity/invalidity of the subcode Q fields, by distinguishing between a block with invalid subcode q fields and a block having a valid subcode q field. (Col. 7, line 54 – Col. 8, line 3.) Based on the invalid fields, the unique key of

the disc can be regenerated, and used to decrypt the information. If the invalid fields read by the CD-ROM do not match those necessary for accessing the information stored on the CD, it is determined that the information has been improperly copied to a non-compliant disc, and will not be read. (Col. 8, lines 4-12.)

As the Examiner points out, the defective subcode Q field is not directly copied onto a disk from the original, but is newly generated during the copy process. This "copy process" is understood to be a copying process of the disc from a glass master. (See col. 7, lines 22-35.) That is, the subcode Q field defects are unique to each disc (or batch of discs to be used to contain the same information). The defects are not changed when information, e.g., an audio track, is copied from one disc to another disc.

Thus, Blaukovitsch teaches providing defects in subcode q fields to act as an identifier of each disk. Because the defects are unique to each disk, the defects are not copied from one disk to another. However, that patent does not teach or suggest that a tagging part associated with a sector comprises a field (S4T) that stores a value R_i which is randomly changed with each write access to the sector, the field being read-only for external access, and the stored data being stored in encrypted form on the data storage medium with an encryption key that is at least in part derived from values of at least some of the fields (S4T). For instance, the data contained on a storage medium according to Blaukovitsch is encrypted using invalid subcode Q fields. Such fields do not store a value R_i which is randomly change with each write access to the sector. Appellants further note that the system contemplated by Blaukovitsch would not prohibit a "replay attack," as described above, because the keys are generated based on an ID (invalid codes) unique to the disc.

Tanoue relates to an optical information recording medium and information recording method. Tanoue is understood to be particularly directed to remedying degradation and copy quality resulting from repeated overwriting of information on a recording medium. As discussed at column 2, line 28-54, for example, Tanoue teaches that a header field is recorded next to a recording field, with the recording field comprising an actual recording field on which information is rewritably recorded. (Id.) The first non-recording field is arranged before the actual recording field and has a length set on the basis of a first random number to prevent interference between the header field and the actual recording field. (Id.) By starting the recording on the disk at different, or random positions, information is not repeatedly recorded and re-recorded on the disc beginning at the same position. (Id.) Similarly, a second non-recording field is also arranged after the actual recording field. (Id.) This second non-recording field also is set at random, thereby eliminating degradation caused by repeated ending of recording at a single position. (Col. 13, lines 19-25.) A random shift parameter generator 38 generates random values used for establishing the start and stop positions of the recording field.

Thus, Tanoue teaches generating a random number corresponding to a length of a non-recording portion. However, Tanoue fails to remedy the deficiencies of Blaukovitsch noted above. In particular, Tanoue also fails to teach that a tagging part of a sector comprises a field (S4T) that stores a value R_i which is randomly changed with each write access to the sector, the field being read-only for external access, and the stored data being stored in encrypted form on the data storage medium of an encryption key that is at least in part derived from values of at least some of the fields (S4T). More specifically, and as noted by the Examiner on page 3 of the January 25, 2006 Office Action, Tanoue teaches "randomizing sector locations within the storage

medium" where data is rewritably recorded. Random sector locations are different from a stored value R_i which is randomly changed with each write access to the sector, as recited in independent claim 1.

Accordingly, Appellants submit that the Blaukovitsch and Tanoue patents, whether taken alone or in combination, fail to teach salient features of independent claim 1.

Moreover, there is no motivation to combine the references as suggested. The Office Action merely concludes that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to store random value R in the field, which is randomly changed with each write access as per teachings of Tanoue and employ it with Blaukovitsch copy protection system in order to prevent interference between successive sectors by randomizing sectors in the storage medium." The optical information recording medium of Tanoue is irrelevant to the present invention. As described in more detail above, the present invention is concerned, for example, with providing security of information on a recording medium.

In contrast, Tanoue is directed to "reducing degradation of signal quality or difficulties in signal reproduction." (Column 2, lines 18-19). Tanoue was concerned with better copying and teaches away from the present invention as recited in independent claim 1, which specifically recites a method for providing copy protection. Instead of copy protection, Tanoue is concerned with enhancing copying and preventing "the quality of a signal to be reproduced from degradation or signal reproduction from becoming difficult even when information is repeated recorded, thereby preventing degradation and reliability in data reproduction." (Column 2, lines 23-27). Tanoue is diametrically opposite the present invention as recited in independent claim 1, and teaches away therefrom.

In addition, Blaukovitsch is directed to obtaining copy protected optical record carriers carrying information in different blocks. An encryption key for each disk is formed based on unique identifiers comprising defective information formed on the disk. Blaukovitsch provides no motivation to look to methods of improved copying to obtain a random number in a field. Alas, a combination such as proposed by the examiner could only be made with the benefit of Applicants' disclosure.

In sum, when viewed as a whole, the invention of independent claim 1 contemplates a novel method for providing copy protection services on a data storage medium. The stored data is arranged in sectors, and a tagging part is associated with each sector. The tagging part of the sector comprises a field (S4T) that stores a value R_i which is randomly changed with each write access to the sector. The field is read-only for external access, and the stored data is stored in encrypted form on the data storage medium with an encryption key that is at least in part derived from values from at least some of the fields (S4T). The cited patent documents, whether taken alone or in proper combination fail to render obvious the invention of claim 1. Appellants also submit that the proposed combination of the cited patent documents is improper, inasmuch as the requisite motivation to combine the documents is absent from the Examiner's reasoning.

Accordingly, the rejection of claim 1 is not sustainable, and Appellants request withdrawal thereof. Claims 2 and 5-11 depend from Claim 1 and are submitted to be patentable over the cited patented document at least because of this dependency. Appellants request withdrawal of the rejections of these claims as well.

Claims 3 and 4

According to the January 25, 2006, Office Action, Blaukovitsch "teaches the method, wherein the encryption key is derived from the values of the field associated with sectors in

which rights and/or usage information is stored." The Examiner cites column 2, lines 20-34, and column 4, lines 37-41 of Blaukovitsch for teaching such features.

Blaukovitsch fails to teach that a field (S4T) stores a value R_i which is randomly changed with each write access to a sector. Accordingly, that patent cannot teach that an encryption key is derived from values of the field. Withdrawal of the rejection of claim 3 is requested.

In addition, claim 3, which depends from claim 1, also is allowable for the reasons set forth above with respect to claim 1.

Claim 4 depends from claim 3 and is submitted to be patentable over the cited patent documents at least because of this dependency. Appellants request withdrawal of the rejection of claim 4.

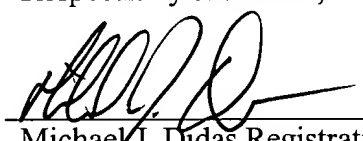
Summary

Even if they are combined, the cited patent documents fail to teach all of the limitations of the pending claims. Moreover, there is no motivation to combine the references as suggested.

Conclusion

For the foregoing reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate allowance of the claims.

Respectfully submitted,



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APPENDIX 1

1. (Previously Presented) A method for providing copy-protection services on a data storage data medium, wherein the stored data is arranged in sectors, a tagging part being associated with each sector, where the tagging part of said sector comprises a filed (S4T) that stores a value R_i which is randomly changed with each write access to said sector, said field being read-only for external access, and the stored data being stored in encrypted form on said data storage medium with an encryption key that is at least in part derived from values of at least some of said fields (S4T).

2. (Previously Presented) The method claimed in claim 1, wherein the data storage medium is a removable memory module.

3. (Previously Presented) The method claimed in claim 1, wherein the encryption key is derived form the values of said S4T fields associated with sectors in which rights and/or usage information is stored.

4. (Previously Presented) The method claimed in claim 3, wherein the encryption key is in addition derived from the values of said S4T fields associated with sectors in which the content is stored.

5. (Previously Presented) A system arranged for implementing a method as claimed in claim 1 comprising a controller unit for choosing the value at random.

6. (Previously Presented) A player for playing from a data storage unit prepared according to a method as claimed in claim 1.

7. (Previously Presented) A data storage medium prepared according to a method as claimed in claim 1 comprising a controller unit for choosing the random values.

8. (Previously Presented) The method according to claim 1, wherein each sector is organized as a 512 byte sector.

9. (Previously Presented) The method according to claim 1, wherein the tagging part associated with each sector is 16 bytes.

10. (Previously Presented) The method according to claim 2, wherein the memory module is a flash memory module.

11. (Previously Presented) The method according to claim 1, wherein said tagging part comprises at least one of, (a) a bad block flag, (b) a usage count, and (c) error correction information.

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